



U.S. DEPARTMENT of STATE

Maldives

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

The Republic of Maldives has a parliamentary style of government with a strong executive. Political parties are not allowed to function. The President appoints the Cabinet, members of the judiciary, and 8 members of the 50-member Parliament. The President derives additional influence from his constitutional role as the "Supreme authority to propagate the tenets of Islam." The unicameral legislature, the People's Majlis, selects a single presidential nominee who is approved or rejected in a national referendum. President Maumoon Abdul Gayoom was approved for a sixth 5-year term in October 2003. The People's Majlis must approve all legislation and is empowered to enact legislation without presidential approval. In May, elections were held for the members of the People's Special Majlis, a constitutional body convoked by the President specifically to address constitutional reforms. During the year, the Special Majlis, consisting of the 50 members of the regular People's Majlis and 50 members elected or appointed specifically for this reform process, met several times. Civil law is subordinate to Shari'a (Islamic law), but civil law generally is applied in criminal and civil cases. The judiciary is subject to executive influence.

In September, police separated from the National Security Service (NSS), which formerly included the armed forces and police. The Maldives Police Service, now a civilian force reporting to the Ministry of Home Affairs, investigates crimes, collects intelligence, makes arrests, and enforces house arrest. Although the NSS is responsible for external security, it retained a role in internal security. The Director of the NSS reports to the Minister of Defense. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The country had a population of approximately 285,000, according to a mid-year estimate, and had a market-based economy. Tourism and fishing provided employment for more than one-half of the work force. Manufacturing, primarily apparel production, decreased. The economic growth rate was approximately 8.5 percent. Public sector wages did not keep pace with inflation. On December 26, a large-scale tsunami devastated significant parts of the country, killing 82 persons and injuring and displacing thousands of others.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The President's power to appoint some members of the Parliament and the absence of political parties constrained citizens' ability to change their government. Although the President issued orders designed to protect the rights of detainees, such as ensuring the right to counsel and videotaping all interrogations, there were reports of the abuse of prisoners. The Government continued to impose constraints on freedom of the press and on the formation of political parties; however, on June 9, the President proposed numerous constitutional reforms including the right to form political parties. The Government limited freedom of assembly and association. The law prohibits the practice of any religion other than Islam. Although the Government has undertaken a number of programs addressing women's issues, women faced a variety of legal and social disadvantages. The Government also restricted internationally recognized worker rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents. In September 2003, security forces killed two inmates, Hassan Eemaan Naseem and Abdulla Amin, during the Maafushi prison uprising. Of the 12 other inmates injured and flown to Sri Lanka for treatment, 1 prisoner, Ali Aslaam, later died (see Section 1.c.). During the year, the Government continued the prosecution of 12 NSS officials involved in the killing of Hassan Eemaan Naseem and 6 others involved in the prison uprising that followed.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, according to human rights organizations and opposition groups, there were reports of beatings or other mistreatment of persons in police custody during the year. Following demonstrations in Malé on August 12 to 13 to demand the release of political prisoners and the implementation of democratic reforms, the Government declared on August 13 a state of emergency, which suspended constitutional rights for detainees. According to Amnesty International (AI), Mohamed Munavvar, the former Attorney General and member of the People's Majlis, was beaten while in custody in August. AI also noted that at least one prisoner, Ahmed Ibrahim Didi, needed urgent medical attention for a heart condition. The Government denied allegations of police brutality. There were no developments in the case of Ibrahim Moosa Luthfee, who was sentenced in 2002 to life imprisonment (see Section 2.a.) and who escaped in May 2003 from police custody after being taken to Sri Lanka for medical treatment as a result of alleged mistreatment and harsh conditions while he was in Maafushi Prison.

Following the September 2003 Maafushi Prison uprising and subsequent rioting, President Gayoom launched two separate inquiries into the incidents. The public reports made recommendations for improved supervision of prison operations and increased rehabilitation opportunities for inmates. The Government held an NSS captain at the prison responsible for the uprising, dismissed him from police service, and fired 12 NSS personnel for their roles in the prison disturbance. In June, the Criminal Court sentenced Mohamed Aswan, second in command of the Maafushi Prison security unit, to 6 months' banishment to a remote island for disobeying government orders in the confrontation at the prison (see Sections 1.d. and 2.d.). Government prosecution of other NSS officials continued during the year.

There were reports of public floggings (which are allowed under Shari'a as interpreted in the country). Several cases were related to charges of adultery. In general, punishments were limited to fines, compensatory payment, house arrest, imprisonment, or banishment to a remote atoll (see Section 1.d.). The Government generally permitted those who were banished to receive visits by family members.

There was one prison and one detention center in the country. During the year, some detainees were also kept at an NSS training facility. The country's main facility had a fluctuating population of approximately 300 inmates.

After the 2003 Maafushi Prison riot, the Government surveyed prison facilities in other countries to incorporate international standards and improvements in the reconstruction of the prison, and prison conditions improved during the year. Prisoners were allowed to work and were given the opportunity for regular exercise and recreation. Spouses were allowed privacy during visits with incarcerated partners. After the August 12 to 13 civil unrest, some detainees were held incommunicado in 8-foot by 8-foot cells at the Dhoonidoo Detention Facility, without access to reading material or exercise. Most other detainees held after the August unrest and state of emergency were held in solitary confinement in 6 by 9 foot cells at an NSS training facility. In October, some detainees were given access to legal counsel. Food and medical care at all facilities appeared to be adequate. Some detainees complained of mistreatment while being transferred to and held at detention facilities, and human rights organizations noted that some prisoners were kept in unsanitary conditions. Women were held separately from men. Juveniles were held separately from adults. Pretrial detainees were not held separately from convicted prisoners. Persons arrested for drug use were sent to a drug rehabilitation center on a space available basis.

Some international human rights organizations were not permitted to visit prisons; however, the Government permitted prison visits by foreign diplomats. During the year, the International Committee of the Red Cross (ICRC) signed a formal agreement with the Government to monitor prisons but did not make any visits (see Section 4). AI visited the country in October, but did not issue a report during the year.

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, persons were held arbitrarily after the August 12-13 unrest in Malé. Of the approximately 180 persons initially detained (see Section 2.b.), 78 persons were detained for several weeks without charge and without access to counsel or family members. While the Government allowed diplomats, family members, and members of the Maldives Human Rights Commission (MHRC) to visit some prisoners, the Government did not grant access to all prisoners. After 3 weeks, the Government permitted family visits for some of the prisoners.

Police initiated investigations based on response to written complaints from citizens, police officers, or government officials, or on suspicion of criminal activity. They were not required to obtain arrest warrants. The Attorney General referred cases to the appropriate court based on the results of police investigations. The authorities generally kept the details of a case secret until they were confident that the charges were likely to be upheld.

The 287-officer Maldives Police Service, which until September functioned as a subset of the NSS, investigated crimes, collected intelligence, made arrests, and enforced house arrest. Neither police corruption nor impunity posed problems during the year. The Government inquiries into the September 2003 Maafushi Prison uprising concluded that improved supervision of prison operations and increased rehabilitation opportunities for inmates were necessary, and these reforms were implemented.

A suspect may be detained in prison, remain free, or be placed under house arrest for 15 days during investigations, depending upon the charges. In most cases, the suspect is released if not brought to trial within 15 days, but the President may extend pretrial detention for an additional 30 days. Those who are released pending trial may not leave a specific atoll. Within 24 hours

of an arrest, an individual must be told of the grounds for the arrest. An individual then can be held for 7 days. If no legal proceedings have been initiated within 7 days, the case is referred to an anonymous 3-member civilian commission, appointed by the President, that can authorize an additional 15 days of detention. After that time, if legal proceedings still have not been initiated, a judge must sanction the continued detention on a monthly basis. There is no provision for bail. Many of these provisions were suspended for the detainees held during the state of emergency enacted following the August 12 to 13 uprising.

The law provides for limited legal assistance to people accused of a criminal offense. In previous years, AI alleged that conversations between counsel and accused were conducted in the presence of police. Lawyers can be appointed in civil cases when the complainant and defendant are private individuals. Courts did not provide legal representation for the indigent. Although there is no right to legal counsel during police interrogation, detainees are granted access to family members. The Government may prohibit access to a telephone and nonfamily visits to those under house arrest. Following the state of emergency declared after the August 12 to 13 unrest, most of the detainees were held incommunicado for several weeks, but the Government later granted some of them family visits. The law does not provide safeguards against incommunicado detention (see Sections 1.c. and 1.e.).

On February 13, the Government arrested approximately eight persons for planning a demonstration by an unregistered political party. According to AI, the Maldivian Democratic Party (MDP), which the Government does not recognize, planned to sponsor a demonstration to protest the Government's failure to curb crime. According to international media reports, the Government arrested the planners of the demonstration for traffic and burglary offences; however, AI claimed the Government made the arrests because members of MDP held elections for the Governing Council of their organization (see Section 2.b.). Opposition leaders claimed that the MDP planned to give the President a letter asserting that the Constitution allows political parties. Legal action against the eight persons still detained or under house arrest was ongoing at year's end.

The law limits a citizen's right to freedom of expression in order to protect the "basic tenets of Islam." In 2002, according to AI and other sources, four individuals were arrested for distributing Islamist and antigovernment literature. By the end of 2003, three of the men were convicted to lengthy prison sentences for extremism and subversion, and the fourth man was released.

There were reports of internal exile of citizens during the year (see Section 2.d.). In 2002, according to the Government, more than 600 persons were temporarily banished to another island. In June, an NSS officer was banished to a remote island for 6 months for disobeying government orders in the September 2003 Maafushi Prison disturbances (see Section 1.c.).

e. Denial of Fair Public Trial

The Constitution does not provide for an independent judiciary, and the judiciary is subject to executive influence. In addition to his authority to review High Court decisions, the President influences the judiciary through his power to appoint and dismiss judges, all of whom serve at his pleasure and are not subject to confirmation by the People's Majlis. The President also may grant pardons and amnesties.

There are three courts: One for civil matters; one for criminal cases; and one for family and juvenile cases. There is also a High Court in Malé, which is independent of the Justice Ministry and which handles a wide range of cases, including politically sensitive ones. The High Court also acts as court of appeals. The President can appoint a five-member advisory council to review High Court rulings. The President also has authority to affirm judgments of the High Court, to order a second hearing, or to overturn the Court's decision.

Most trials are public and are conducted by judges and magistrates trained in Islamic, civil, and criminal law. There are no jury trials.

The Constitution provides that an accused person be presumed innocent until proven guilty and that an accused person has the right to defend himself "in accordance with Shari'a." The judiciary generally enforced these rights. During a trial, the accused also may call witnesses, and be assisted by a lawyer (see Section 1.d.). Judges question the concerned parties and attempt to establish the facts of a case.

Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law, as well as in certain matters such as divorce and adultery. Courts adjudicating matrimonial and criminal cases generally do not allow legal counsel in court because, according to a local interpretation of Shari'a, all answers and submissions should come directly from the parties involved. However, the High Court allowed legal counsel in all cases, including those in which the right to counsel was denied in lower court. Those convicted had the right to appeal. Under the country's Islamic practice, the testimony of two women equals that of one man in matters involving Shari'a, such as adultery, finance, and inheritance. In other cases, the testimony of men and women are equivalent (see Section 5).

There were no confirmed reports of political prisoners; however, AI claimed the Government held at least six political prisoners. According to AI, in 2002, Ibrahim Moosa Luthfee, Mohamed Zaki, Ahmed Ibrahim Didi, and Fathimath Nisreen were arrested for circulating an Internet e-mail magazine, Sandhaanu, critical of the Government. The four were held in solitary confinement until their trial in 2002. Luthfee, Zaki, and Didi were sentenced to life imprisonment for spreading false news and calling for the overthrow of the Government, among other charges. AI also considered Nisreen, the one woman arrested, a political prisoner. She was sentenced to 10 years' imprisonment for charges including calling for the overthrow of the Government and assisting

Sandhaanu originators. In May 2003, Luthfee escaped from NSS custody while receiving medical care in Sri Lanka, and was still at large. The Government maintained that these prisoners were convicted of crimes not related to politics.

Opposition groups claimed that the majority of persons detained (and not charged) after the August 12-13 unrest were being held because of their political views (see Section 1.c.). According to the Attorney General, at year's end, one person remained in detention.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits security officials from opening or reading wireless messages, letters, telegrams, or monitoring telephone conversations, "except as expressly provided by law;" however, the Government restricted privacy rights on occasion. After the August 12 to 13 unrest, the Government's telecommunications authority blocked mobile telephone text messages and Internet access for regular Internet users for 3 days (see section 2.a.). The NSS may open the mail of private citizens and monitor telephone conversations if authorized in the course of a criminal investigation.

Although the Constitution provides that residential premises and dwellings should be inviolable, there is no legal requirement for search or arrest warrants. The Attorney General or a commanding officer of the police must approve the search of private residences.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law does not provide for freedom of speech or of the press, and the Government generally did not respect such rights in practice. The Penal Code prohibits inciting citizens against the Government. The law prohibits public statements that are contrary to government policy and Islam, threaten the public order, or are libelous. However, an amendment to the Penal Code decriminalizes "true account(s)" by journalists of governmental actions. Journalists and publishers practiced self-censorship.

Regulations that make publications responsible for the content of the material they publish remain in effect, but no legal actions against publications were initiated during the year.

The Press Council is composed of lawyers, private and government media representatives, and other government officials. The mandate of the council is to review charges of journalistic misconduct (advising the Ministry of Information, Arts, and Culture on measures to be taken against reporters, when appropriate) and promotes professional standards within the media by recommending reforms and making suggestions for improvement. The Council did not take notable action during the year.

Almost 200 newspapers and periodicals were registered with the Government, but only 3 dailies, each owned by a current or former government minister, were published on a regular basis: Aafathis, Haveeru and Miadhu. In March 2003, the Government announced the withdrawal of 22 publication licenses for irregular publication. No regularly published newspaper or periodical was affected by this action.

The Government or its sympathizers owned and operated the only television and radio stations. It did not interfere with foreign broadcasts or with the sale of satellite receivers. Reports drawn from foreign newscasts were aired on the government television station.

In general, after an easing of restrictions in the late 1990s, the Government has taken a more stringent attitude toward freedom of the media. For example, in 2002, three men and a woman were arrested for circulating an Internet e-mail magazine critical of the Government (see Section 1.e.).

There were no legal prohibitions on the import of foreign publications except for those containing pornography or material otherwise deemed objectionable to Islamic values.

The Government generally did not interfere with the use of the Internet; however, it blocked sites deemed pornographic and blocked all Internet access for 3 days following the August 12 to 13 agitation (see Section 1.f.).

The law prohibits public statements contrary to government policy and the Government's interpretation of Islam. Therefore, although there were no reported cases of transgressions of these laws in the academic arena, the laws constrain academic freedom to the extent that academics practiced self-censorship.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government imposed limits on this right in practice. Informal restrictions on public assembly were relaxed following the President's June 9 speech. Numerous impromptu "town hall"-type meetings occurred following the speech, in which different proposed reforms were debated.

On February 13, the Government arrested approximately eight persons for planning a demonstration of an unregistered political party (see Section 1.d.).

On August 12 to 13, approximately 5,000 persons demonstrated outside the NSS headquarters in Malé to demand the release of political prisoners and call for democratic reform. After the crowd allegedly became unruly, the NSS used tear gas to disperse the demonstrators. The Government arrested approximately 180 persons, including 12 members of the Special Majlis, 2 of whom are also members of the People's Majlis. On August 13, the Government declared a state of emergency, which suspended constitutional rights for detainees and imposed a curfew (see Section 1.c.). On October 10, the Government lifted the state of emergency but continued to detain a number of suspects, including the 12 Special Majlis M.P.s. By November, all but 25 of the detainees had either been released or transferred to house arrest. On December 5, the Government charged four Special Majlis Members with sedition in connection with the events of August 12 to 13. By December 14, all but one of the Special Majlis M.P.s had been released from house arrest. On December 31, the Government dropped the charges against the four M.P.s and released the last M.P. from house arrest.

In September 2003, the NSS reportedly used tear gas to quell demonstrations that damaged several government buildings in Malé, including the election office (see Section 1.c.). There were reports that several civilians sustained minor injuries as a result of the police action.

The Constitution provides for freedom of association; however, the Government imposed limits on freedom of association in practice. The Government registers clubs and other private associations if they do not contravene Islamic or civil law. While not prohibited by law, the President officially discouraged political parties on the grounds that they were inappropriate to the homogenous nature of society; however, in a speech on June 9, the President announced proposals for constitutional reform allowing for the existence of political parties. By year's end, no reforms were enacted.

Although not prohibited, there were no independent local human rights groups. In December 2003, the Government formed the nine-member MHRC, and the Commission subsequently met more than 50 times. During the year, the MHRC issued public reports on the 2003 Maafushi prison uprising (see Section 1.c.).

c. Freedom of Religion

The Constitution does not provide for freedom of religion, and freedom of religion was restricted significantly. The Constitution designates the Sunni branch of Islam as the official state religion, and the Government interpreted this provision to impose a requirement that citizens be Muslims. The law prohibits the practice of any religion other than Islam. The Government observes Shari'a. Civil law is subordinate to Shari'a, which is applied in situations not covered by civil law as well as in certain acts such as divorce and adultery. Foreign residents were allowed to practice their religion if they did so privately and did not encourage citizens to participate. President Gayoom repeatedly stated that no other religion should be allowed in the country, and the Home Affairs Ministry announced special programs to safeguard and strengthen religious unity. The President, the members of the People's Majlis, and cabinet members must be Muslims.

There were no places of worship for adherents of other religions. The Government prohibited the import of icons and religious statues, but it generally permitted the import of individual religious literature, such as Bibles, for personal use. It also prohibited non-Muslim clergy and missionaries from proselytizing and conducting public worship services. Conversion of a Muslim to another faith is a violation of the Government's interpretation of Shari'a and may result in punishment, including the loss of the convert's citizenship; however, there were no known cases of loss of citizenship from conversion to a non-Islamic religion. In the past, would-be converts have been detained and counseled regarding their conversion from Islam. Unlike previous years, there were no reports of foreigners detained for proselytizing.

Islamic instruction is a mandatory part of the school curriculum, and the Government funded the salaries of religious instructors. The Government has established a Supreme Council of Islamic Affairs to provide guidance on religious matters. The Government also set standards for individuals who conduct Friday services at mosques.

Under the country's Islamic practice, certain legal provisions discriminate against women (see Sections 1.e., 3, and 5).

For a more detailed discussion, see the [2004 International Religious Freedom Report](http://www.state.gov/g/drl/rls/hrrpt/2004/41741.htm).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice. Citizens are free to travel at home and abroad, to emigrate, and to return. Foreign workers often were housed at their worksites. Unlike in previous years, their ability to travel freely was not restricted.

The law allows for forced exile, and the Government used forced exile in practice. In June, the Criminal Court sentenced Mohamed Aswan, second in command of the Maafushi Prison security unit, to 6 months' banishment to a remote island for disobeying government orders in the September 2003 confrontation at the prison (see Sections 1.d. and 2.d.).

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has not established a system for providing protection to refugees or asylees. The Government has cooperated in the past with the office of the U.N. High Commissioner for Refugees; however, asylum issues did not arise during the year. The Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government did not routinely grant refugee status or asylum.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Under the Constitution, the citizens' ability to change their government is limited and the strong executive exerted significant influence over both the legislature and the judiciary. Under the Constitution, the People's Majlis chooses a single presidential nominee, who must be a Sunni Muslim male, from a list of self-announced candidates for the nomination. Would-be nominees for president are not permitted to campaign for the nomination. The nominee is then confirmed or rejected by secret ballot in a nationwide referendum. From a field of four candidates, President Gayoom was nominated unanimously by the People's Majlis and was confirmed by referendum in October 2003 for a sixth 5-year term. Observers from the South Asian Association for Regional Cooperation (SAARC) said the referendum was conducted in a free and fair manner.

By both law and custom, the Office of the President is the most powerful political institution in the country. The Constitution gives Shari'a preeminence over civil law and designates the President as the "supreme authority to propagate the tenets" of Islam.

Unlike in previous years, the President was not the Commander in Chief of the armed forces, the Minister of Defense and National Security, and the Minister of Finance and Treasury. The President remained the Governor of the Maldivian Monetary Authority. The President's authority to appoint 8 of the 50 members of the People's Majlis provided the President strong political leverage. The elected members of the People's Majlis, who must be Muslims, serve 5-year terms. All citizens over 21 years of age may vote. Individuals or groups were free to approach members of the People's Majlis with grievances or opinions on proposed legislation, and any member may introduce legislation. There were no political parties, which were officially discouraged (see Section 2.b.).

Elections to the People's Majlis were held in 1999. According to SAARC observers, the 1999 elections were "free and fair in accordance with the relevant laws and regulations of the Republic of the Maldives." A by-election with 38 percent participation was held in April 2002 following the expulsion of M.P. Mohammed Nasheed from the People's Majlis upon his conviction for petty theft. According to observers, the election was generally free and fair. Elections for the People's Majlis, originally scheduled for December 31, were postponed following the December 26 tsunami. Critics of the Government claimed that some candidates, who remained under house arrest, were unable to file applications to contest the elections by the November 15 deadline; however, at least one candidate who was in detention at the filing deadline was able to file an application and conduct a campaign.

For the past several years, the People's Majlis has held a question period during which members may query government ministers about public policy. Debate on the floor since the question period was instituted has become increasingly open. In March and April, there was significant debate about legislation regarding the MHRC (see Section 4).

On May 28, elections were held for the members of the People's Special Majlis, a constitutional body convened by the President to address constitutional reforms. The Special Majlis, consisting of the 50 members of the regular People's Majlis and 50 members elected or appointed specifically for this reform process, met several times during the year, albeit without the presence of members held in detention. The Special Majlis was temporarily suspended in July after some M.P.s walked out in protest at procedures adopted to elect the Speaker. The sessions resumed on October 12, and a Speaker was elected by open ballot on October 14.

Although research about corruption in the executive and legislative branches was limited, some sources cited anecdotal reports that the power of the President and his family directed most decisions, including economic activities and political reform. There is an anti-corruption board that investigates allegations of corruption in the Government.

There are no laws that provided for access to government information.

There were 5 women in the 50-member People's Majlis and 6 in the 50-member Special Majlis. There were two women in the Cabinet. Women are not eligible to become president but may hold other government posts. In 2002, a woman was named High Commissioner to Sri Lanka, the first woman to hold the office.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Although not prohibited, no independent local human rights groups existed in the country.

Some international human rights groups were not allowed in the country; however, on September 4, the President told international media that AI could enter the country to assess prison conditions. AI visited the country in October but did not issue a report at year's end. In October, representatives from the National Democratic Institute for International Affairs (NDI) visited the

country at the invitation of the Government. In December, the NDI mission made a number of recommendations to the Government; however, at year's end no action was taken on the recommendations.

In December 2003, the President created the MHRC (see Sections 2.d and 3). During the year, the People's Majlis did not pass legislation to define the Commission's mandate, composition, or independence; however, after visiting some of the detainees held at two detention centers, the MHRC recommended to the Government that it improve prison and detention center conditions, including the provision of access to medical care at all times and the assignment of female guards to guard female detainees. During the year, the ICRC signed an agreement with the Government to monitor prisons, but did not conduct prison visits during the year.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for the equality of all citizens before the law, but there is no specific provision to prohibit discrimination based on race, sex, religion, disability, or social status. Women traditionally have been disadvantaged, particularly in terms of the application of Shari'a, in matters such as divorce, education, inheritance, and testimony in legal proceedings. There were no reports of official or societal discrimination against persons with HIV/AIDS.

Women

Both non-governmental and government sources agreed that domestic violence and other forms of violence against women were not widespread; however, there were no firm data on the extent of violence against women. Police officials reported that they received few complaints of assaults against women. Rape and other violent crimes against women were extremely rare. Under Shari'a, the penalty for rape is flogging, imprisonment for up to 5 years, or banishment.

Although women traditionally have played a subordinate role in society, they participated in public life in growing numbers. Women constituted 39 percent of government employees. The literacy rate for women was 98 percent. A Gender Equality Council advised the Government on policies to help strengthen the role of women. The minimum age of marriage for women is 18 years, but earlier marriage is common.

Under Islamic practice, husbands may divorce their wives more easily than vice versa, absent any mutual agreement to divorce. Shari'a also governs intestate inheritance, granting male heirs twice the share of female heirs. A woman's testimony is equal to one-half of that of a man in matters involving adultery, finance, and inheritance (see Section 1.e.). Women who worked for wages received pay equal to that of men in the same positions.

Children

Education is not compulsory, but there is universal access to free primary education. The percentage of school-age children in school in 2002 was: (grades 1 to 5) 99 percent; (grades 6 to 7) 95 percent; and (grades 8 to 10) 51 percent. Of the students enrolled, 49 percent were female, and 51 percent were male. In many instances, education for girls was curtailed after the seventh grade, largely because parents did not allow girls to leave their home island for an island having a secondary school.

Children's rights are incorporated into law, which specifically protects them from both physical and psychological abuse, including at the hands of teachers or parents. The Ministry of Gender, Family Development and Social Security has the authority to enforce this law and received strong popular support for its efforts. Although unable to provide an exact number, the Ministry noted that there continued to be reports of child abuse during the year, including sexual abuse. Penalties for the sexual abuse of children range from up to 3 years' imprisonment to banishment. It was not known if there were any prosecutions for child abuse or child sexual abuse during the year.

Government policy provided for equal access to educational and health programs for both male and female children.

Child labor remained a problem, primarily in agriculture, fishing, and small commercial activities, including in family enterprises. There were no reports of children being employed in the industrial sector (see Section 6.d.).

Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

No law specifically addresses the rights of persons with physical or mental disabilities. A 2003 government census cited 4,728 persons with disabilities; however, local NGOS claimed there were thousands more with disabilities, due to high levels of

malnutrition during pregnancy. The Government has established programs and provided services for persons with disabilities, including special educational programs for hearing and visually disabled persons. Students with physical disabilities were integrated into mainstream educational programs. Families usually cared for persons with disabilities. When family care was unavailable, persons with disabilities lived in the Ministry of Gender, Family Development and Social Security-run Institute for Needy People, which also assisted elderly persons. When requested, the Government provided free medication for all persons with mental disabilities in the islands, but follow-up care was infrequent.

Section 6 Worker Rights

a. The Right of Association

While the law does not expressly prohibit unions, it recognizes neither a worker's right to form or join them nor the right to strike. Associations (such as industry associations and clubs) are allowed. In May 2003, the Government enacted a new law to strengthen the legal regime governing voluntary, not-for-profit associations. Small groups of similarly employed workers with mutual interests have formed associations, some of which include employers as well as employees. These associations have not acted as trade unions.

b. The Right to Organize and Bargain Collectively

The law does not recognize workers' rights to organize and bargain collectively. Wages in the private sector are set by contract between employers and employees and are usually based on the rates for similar work in the public sector.

There were no reports of efforts to form unions or of strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law bars children less than 14 years of age from paid or hazardous work. Government introduced guidelines prohibit employment of children under 18 by the Government and in hazardous jobs such as construction, carpentry, welding, and driving.

According to the International Confederation of Free Trade Unions, child labor remained a problem, primarily in agriculture, fishing, and small commercial activities, including in family enterprises. There were no reports of children being employed in the industrial sector. The working hours of children 14 years or older were not limited specifically by statute. A Unit for Children's Rights in the Ministry of Gender, Family Development and Social Security is responsible for monitoring compliance with the child labor regulations, but it is not charged with their enforcement. The Ministry of Employment and Labor's Employment Relations and Compliance Unit deals with child labor problems.

e. Acceptable Conditions of Work

There was no national minimum wage for the private sector, although the Government has established wage floors for government employment. These wage floors provided a decent standard of living for a worker and family. Given the severe shortage of labor, employers offered competitive pay and conditions to attract skilled workers.

There are no statutory provisions for hours of work, but the regulations require that a work contract specify the normal work and overtime hours on a weekly or monthly basis. The public sector provides a 7-hour day and a 5-day workweek.

There are no national laws governing health and safety conditions. There are regulatory requirements in certain industries such as construction and transport that employers provide a safe working environment and ensure the observance of safety measures. It was unclear whether workers could remove themselves from unsafe working conditions without risking the loss of their jobs. The Ministry of Employment and Labor's Employment Relations and Compliance Unit resolves wage and labor disputes, visits worksites, and enforces labor regulations.